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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and the other occupied Arab territories

Report of the Secretary-General

Summary

The present report provides details of the efforts made to implement General Assembly resolution 72/85.

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1. The present report is submitted pursuant to resolution 72/85, by which the General Assembly requested the Secretary-General to report at its seventy-third session on the implementation of the resolution.

2. On 1 May 2018, the Secretary-General addressed a note verbale to the Government of Israel in which he requested information on any steps that it had taken or envisaged taking concerning the implementation of the relevant provisions of the resolution. No reply had been received at the time of the preparation of the present report.

3. In a note verbale dated 1 May 2018 sent to the permanent missions to the United Nations Office and other international organizations in Geneva of the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, including the State of Palestine, the Secretary-General drew attention to paragraph 3 of resolution 72/85, by which all High Contracting Parties had been called upon, in accordance with article 1 common to the four Geneva Conventions and as mentioned in the advisory opinion of the International Court of Justice of 9 July 2004, to continue to exert all efforts to ensure respect for the provisions of the Convention by Israel, and requested information regarding any steps that the High Contracting Parties had taken or envisaged taking concerning the implementation of the resolution. At the time of the preparation of the present report, the Permanent Missions of Egypt, Ireland and the Syrian Arab Republic had responded to the note verbale.

4. In its note verbale dated 29 May 2018, the Permanent Mission of Egypt noted the continued efforts of the Government of Egypt to highlight, in regional and international forums, the obligations of Israel towards the Palestinian people. It also referred to its continued affirmation of the illegality of Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, in accordance with international law and relevant international resolutions.

5. Egypt also highlighted its reiteration of the special status of Jerusalem with regard to its engagement with regional and international organizations, in accordance with relevant international resolutions. It also stated that, in relevant international forums, the Government of Egypt had emphasized that no steps should be taken by Israel or any other State that could affect the legal status of the city or violate the religious rights of Palestinians, especially in the Aqsa Mosque.

6. Egypt urged Israel not to obstruct or hamper the work of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, emphasizing that the General Assembly had acknowledged the need for the Agency by renewing its mandate in 2017. According to Egypt, this demonstrated the importance of the Agency in contributing to the stability of the situation of Palestinian refugees and of the host countries.

7. Egypt urged Israel to abide by its responsibilities regarding the Gaza Strip, demanding that Israel open all of the crossings between Israel and the Gaza Strip and end the siege imposed on Gaza.

8. Egypt noted that it had communicated with Israel, asking it to show restraint and urging it not to use force against peaceful protesters in Gaza during the Great March of Return protests, which began in March 2018. It further noted that it had been in contact with the Israeli authorities to facilitate the opening of the Karam Abu Salim crossing, in reaction to the announcement by Israel that the crossing would be closed until further notice as a result of the events of 14 May. Egypt noted that Israel had responded positively to its request and opened the crossing to allow the entrance of necessary aid and goods.

9. On 1 June 2018, the Permanent Mission of Ireland responded to the note verbale dated 1 May 2018 from the Secretary-General. Ireland first emphasized that the Government of Ireland did not recognize any transfer of sovereignty or annexation of Palestinian territory occupied by Israel in 1967, pending any agreement between the parties to the conflict. It also noted that the Government of Ireland had consistently affirmed that the establishment of Israeli settlements in the Occupied Palestinian Territory was in breach of international law.

10. Furthermore, Ireland indicated that, in July 2014, the Department of Foreign Affairs and Trade of Ireland had issued advice for Irish citizens and businesses warning of the risks involved in financial and economic activities in Israeli settlements in the Occupied Palestinian Territory.

11. On 24 May 2018, the Permanent Mission of the Syrian Arab Republic responded to the note verbale dated 1 May 2018 from the Secretary-General. It reaffirmed the support of the Government of the Syrian Arab Republic to General Assembly resolution 72/85 and once again called upon all Member States to accelerate its strict implementation. It further reaffirmed that the Geneva Convention relative to the Protection of Civilian Persons in Time of War applied to the Occupied Palestinian Territory, including East Jerusalem, and the other Arab territories occupied by Israel since 1967, including the occupied Syrian Golan.

12. The Syrian Arab Republic stated that the refusal of Israel to apply the Fourth Geneva Convention to the Occupied Palestinian Territory, including East Jerusalem, and to the other Arab territories occupied by Israel since 1967 constituted a rejection of the will of the international community. It stressed the need to put an end to the continued violations by Israel of its obligations under international law, including international humanitarian law.

13. The Syrian Arab Republic further noted that, over the 51 years of Israeli occupation of the Syrian Golan, and despite repeated demands in the form of resolutions reflecting the will of the international community that Israel end the occupation of the Syrian Golan, stop its daily oppressive practices against Syrian citizens under occupation and stop its flagrant violations of agreements and international standards, Israel had still not complied with these resolutions and international law. Furthermore, the Syrian Arab Republic stated that Israel continued its occupation of the Syrian Golan without any deterrent and benefited from protection from accountability provided by some permanent members of the Security Council.

14. The Syrian Arab Republic stressed that Israel must abide by the Fourth Geneva Convention and respect its application in all circumstances. It also highlighted the need for Israel to implement the resolutions of the Security Council, particularly resolution 497 (1981). The Syrian Arab Republic called upon Member States, particularly the parties to the Fourth Convention, not to recognize any legal status resulting from actions by Israel amounting to violations of the peremptory norms of international law. It further called upon Member States to refrain from providing any assistance to the Israeli occupation, especially with reference to commercial and tourist activities, noting that it would be used by Israel to perpetuate its occupation of the Syrian Golan and that supporting, in particular, the continuation of Israeli settlements and/or the establishment of new settlements would perpetuate the violations of human rights of Syrians in the region.

15. The Syrian Arab Republic noted that it completely rejected the decision of Israel to hold elections for the so-called local councils in the villages of the occupied Syrian Golan in October 2018, stating that the aim was to consolidate the annexation by Israel of the Syrian Golan. It stressed that the Golan was an integral part of the Syrian territory and should be returned. In identical letters dated 8 July 2017 addressed to

the Secretary-General and the President of the Security Council (A/71/980-S/2017/587), the Syrian Arab Republic called upon the United Nations and the international community to condemn these actions, noting that they flagrantly violated Security Council resolution 497 (1981) and would lead to a further deterioration of the situation in the region.

16. The Syrian Arab Republic reaffirmed its solidarity with its people in the Syrian Golan, noting that they also rejected the annexation of the territory and the decision to hold elections, as well as all previous decisions that the occupying Power believed could be taken amid the crisis that Syria had been experiencing for the past eight years.

17. The Syrian Arab Republic noted that, at a meeting held in Baku from 3 to 6 April 2018, the Movement of Non-Aligned Countries condemned all actions taken by Israel to change the legal, physical and demographic situation of the occupied Syrian Golan. The Movement also called upon Israel to abide by Security Council resolution 497 (1981) and to completely withdraw from the occupied Syrian Golan to the border of 4 June 1967, while also implementing Council resolutions 242 (1967) and 338 (1973).

18. The Syrian Arab Republic reiterated its position rejecting the policies of Israel in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan, including any other party's attempt to consider settlements as a fait accompli. The Syrian Arab Republic added that settlements constituted a flagrant violation of international law, including international humanitarian law and relevant resolutions. It called upon the international community, including the parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, to commit to exerting more concrete pressure on Israel to respect and abide by international legal standards as an occupying Power according to the provisions of the Fourth Convention and to dismantle all its illegally established settlements.

19. The Syrian Arab Republic emphasized that Israel continued to build the wall around the city of Jerusalem as part of its systematic policy to deny the Palestinian people their right to self-determination, despite the advisory opinion of the International Court of Justice affirming that countries were obliged not to recognize the legal status resulting from the construction of the wall in the Occupied Palestinian Territory, including East Jerusalem, and despite the relevant United Nations resolutions supporting that opinion. The Syrian Arab Republic emphasized the need to address the strategy of Israel to "Judaize" Jerusalem, including through continuous and dangerous aggressions against the city and its Islamic and Christian holy sites, and the increased rate of settlement activity in the Old City and the city as a whole. The Syrian Arab Republic described these efforts as part of a strategy to impose a settlement and colonial reality in completion of the plan to "Judaize" the city and encircle it with "the apartheid separation wall". The Syrian Arab Republic further emphasized the need to confront the efforts of Israel to separate Palestinian families in Jerusalem and expel Palestinian residents from the city.

20. The Syrian Arab Republic noted that the continued violation by Israel of the inalienable right to self-determination of the Palestinian people represented a violation of a right to which all were entitled. It stated that the international community was consequently obliged to require Israel to respect that right, as confirmed by the International Court of Justice in its advisory opinion regarding the wall.

21. The Syrian Arab Republic called upon the international community to take an immediate and firm stand to stop the "assassination" by Israel of Palestinians who peacefully protested against the violations committed by Israel, including intentional killings, the demolition of homes, the violation of the sanctuary of the Aqsa Mosque and all Muslim and Christian holy places and the continuing efforts to "Judaize" the city of Jerusalem.

22. The Syrian Arab Republic also requested the international community to uphold *erga omnes* obligations, as confirmed in the advisory opinion of the International Court of Justice, to ensure that Israel ends its occupation of the Occupied Palestinian Territory and other occupied Arab territories, including the Syrian Golan, returning to the borders of 4 June 1967; and to oblige Israel to implement the relevant United Nations resolutions that demand its withdrawal from those territories to the borders of 4 June 1967, and from the remaining occupied Lebanese territory; the establishment of an independent Palestinian State, with East Jerusalem as its capital; preservation of Palestinian sovereignty over Palestinian natural resources; and the release of Palestinian and Syrian prisoners from Israeli jails. The Syrian Arab Republic also called for the implementation of the right of return of Palestinian refugees expelled from their homes by force in 1948.